

Remarks

Applicant acknowledges receipt of the *Office Action* dated February 11, 2008 wherein the Patent Office rejected claims 17-19, 23-26, 28, 30, 31, 33-36 and 38-42 under 35 U.S.C. § 103(a). In response, Applicant respectfully requests reconsideration of the presently claimed application in view of the following remarks.

Status of Claims

Claims 17-19, 23-26, 28, 30, 31, 33-36 and 38-42 were previously presented.

Claims 1-16, 20-22, 27, 29, 32 and 37 were previously canceled.

Therefore, claims 17-19, 23-26, 28, 30, 31, 33-36 and 38-42 are currently pending in the application.

Claim Rejections – 35 USC § 103(a)

In the *Office Action*, the Patent Office rejected claims 17-19, 23-26, 31, 33-36 and 40-42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,844,797 to *Johnson* in view of U.S. Patent No. 5,957,693 to *Panec* and in view of excerpts from non-patent reference Guiding the Reading Process by *Booth*. The Patent Office also rejected claims 28, 30, 38 and 39 under 35 U.S.C. § 103(a) as being unpatentable over *Johnson* in view of *Panec* and *Booth* and further in view of U.S. Patent No. 5,651,678 to *Phillips*.

In response, Applicant respectfully traverses these rejections and submits that the combination of the cited references does not establish a *prima facie* case of obviousness as to any of the pending claims 17-19, 23-26, 28, 30, 31, 33-36 and 38-42 at least because: (1) there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the *Johnson* reference with *Panec*, *Booth* and/or *Phillips*; and (2) the references fail to teach or suggest all of the claimed limitations.

Johnson is directed to a photograph album for a selected theme comprising pre-printed pictures or views and accompanying text “to provide the user with guidance and inspiration to take a corresponding series of photographs on the same theme” (Abstract). The user’s photographs are substituted for the pre-printed pictures or views to provide “a structured album of photographs and appropriate accompanying text” (Abstract). In one embodiment, the photograph album is in the form of a guidebook appropriate to a geographic location, historic building or the like, with spaces to receive photographs taken by the user. The stated purpose is to “provide a personalized yet organized record of the visit” while providing “additional interest for third parties viewing the album in the way that a disorganized collection of individual photographs will not” (col. 1, lines 13-26). Thus, *Johnson* is directed only to a method of creating structured, organized and personalized photograph albums for a selected theme, which has nothing whatsoever to do with teaching a pre-reader to read according to the claimed invention.

Panec is directed to a method for promoting reading in a novice reader using a book that includes a story with two texts, one written at a reading level appropriate for a skilled reader and the other written at a lower reading level appropriate for the novice reader. Thus, the method disclosed by *Panec* promotes reading by using a traditional, pre-assembled, non-personalized book.

Phillips teaches an educational aid and a method for using the system to teach students to read using sight-word vocabularies. The method relies on the student’s natural ability to recall information, such as simple songs, rhymes, and stories which are easily memorized (col. 5, lines 53-55). Thus, the method disclosed by *Phillips* promotes sight-word reading based on memorization.

The excerpts from *Booth* provided by the Patent Office describe a cueing system that readers rely upon for reading comprehension. The cueing system is said to comprise pragmatic and semantic cues that help readers anticipate the meaning of text, syntactic cues that help readers use syntax and language patterns to predict words and phrases, and phonics cues that help readers test predictions for unrecognized or confusing words so as to construct or confirm meaning (see *Booth*, page 8, “The Cueing Systems”).

For syntactic cueing, the author states that “[a] reader must be able to attach meaning to the words, to have some pre-existing knowledge of how this new textual information is integrated into their existing knowledge and experience base.” Thus, the author advocates helping readers develop their semantic cueing systems by “supplying them with print resources that tap into their worlds.” The author also advocates increasing the child’s knowledge base through a variety of different classroom exercises, such as participating in discussions before and after reading, making a story map, creating a character sketch, defining the writer’s style and identifying the mood. The classroom exercises may be supplemented by field trips, films and newspapers. (see *Booth*, page 8, “Semantic Cues (Knowing About the World)”). The author states that “[i]f the children can’t connect the reading to personal aspects of the[ir] lives, their level of reading comprehension will suffer” (see *Booth*, page 11, “Meaning and Experience”).

Thus, the methods disclosed by *Booth* promote increasing the reading comprehension of student readers by using traditional, pre-assembled, non-personalized books that relate to their existing knowledge base. *Booth* also discloses increasing the reader’s knowledge base by various means. However, *Booth* has nothing to do with methods for teaching a pre-reader how to read according to the claimed invention. Indeed, Applicant submits that the methods advocated by *Booth* would only be used effectively after the pre-reader has already learned how to read.

I. There is No Motivation to Combine the Cited References

Applicant respectfully submits that there is no suggestion or motivation to modify *Johnson*, or to combine *Johnson* with *Panec*, *Booth* and/or *Phillips*, either within the references themselves, or in the knowledge generally available to one of ordinary skill in the art. *Johnson* is focused only on methods for creating photograph albums. Such methods clearly have nothing to do with teaching a pre-reader to read or with improving the reading comprehension of a reader. *Johnson* makes no suggestions whatsoever that its method for creating a photograph album could be used for such purposes. Moreover, one of ordinary skill in the art of teaching someone to read or improving reading comprehension would not be motivated to look to the art of photograph albums for guidance. In fact, modifying the *Johnson* photograph album to include repetitive text as suggested by the Patent Office would detract from the interest that adults would have in viewing the album, which seems inconsistent with the purposes set out in the *Johnson* reference.

Moreover, there is no suggestion or motivation to combine *Booth* with *Johnson*, *Panec* and/or *Phillips*. In particular, the methods of enhancing reading comprehension according to *Booth* would only be applied after the pre-reader learns to read according to the methods of *Panec* and/or *Phillips*. Therefore, if the photograph album of *Johnson* was modified to include the repetitive text of *Panec* or the sight words of *Phillips*, such an album would be too elementary to improve the reading comprehension level of a reader according to the methods of *Booth*. As such, Applicant submits that neither the references themselves, nor the knowledge generally available to one of ordinary skill in the art would suggest or provide motivation to combine elements of methods for constructing photograph albums as disclosed by *Johnson* with elements of methods for teaching a pre-reader to read as disclosed by *Panec* and *Phillips* and/or

with elements of methods for improving the reading comprehension levels of readers according to *Booth*.

II. The Cited References Fail to Teach or Suggest All of the Claim Limitations

Applicant respectfully submits that the combination of *Johnson* with *Panec*, *Booth* and/or *Phillips* fails to establish a *prima facie* case of obviousness as to any of the pending claims 17-19, 23-26, 28, 30, 31, 33-36 and 38-42 presented herein at least because none of the prior art references, either alone or in combination, teaches or fairly suggests all of the claimed limitations. In particular, with respect to independent claims 17, 31 and 42, the cited references fail to teach or fairly suggest a process comprising: obtaining a repetitive language kit having a theme related to a planned shared experience between a reader and a pre-reader, the reader sharing an actual experience with the pre-reader corresponding to the planned shared experience, memorializing the actual shared experience between the reader and the pre-reader through one or more pictorial representations, constructing a personalized repetitive language book including said pictorial representations, and the reader reading a plurality of pages of said book to the pre-reader.

Instead, the *Johnson* reference discloses a method whereby a user obtains a photograph album with a theme, the user has an actual experience related to the theme, the user memorializes the actual experience with photographs, and the user later shares the assembled photograph album with a third party. Thus, the planned experience (the outing) that relates to the theme of the photograph album is actually experienced and memorialized by the user without the third party. The shared experience between the user and the third party (reviewing the photo album) is unrelated to the photograph album theme. Thus, *Johnson* fails to teach or suggest the claimed “planned shared experience” between a user (such as a reader) and a third party (such as a pre-

reader) related to the theme of a repetitive language kit; the claimed “actual shared experience” between the user and the third party corresponding to the planned shared experience; and the claimed reader reading a plurality of pages of the book to the pre-reader.

Panec, *Booth* and *Phillips* all fail to make up for this lack of teaching by *Johnson*. Instead, neither *Panec* nor *Phillips* teach or suggest that their methods and materials used for teaching a person to read have anything whatsoever to do with a planned shared experience between the reader and the pre-reader related to a theme of the materials, the reader sharing an actual experience with the pre-reader corresponding to the planned shared experience, or memorializing the actual shared experience between the reader and the pre-reader.

Likewise, *Booth* fails to teach or suggest obtaining a kit having a theme related to a planned shared experience between a reader and a pre-reader, the reader sharing an actual experience with the pre-reader corresponding to the planned shared experience, memorializing the actual shared experience between the reader and the pre-reader through one or more pictorial representations, constructing a book including said pictorial representations, or the reader reading a plurality of pages of said book to the pre-reader. Indeed, *Booth* is directed to methods that involve two readers – a teacher reader and a student reader. Moreover, there is no disclosure of the two readers memorializing an actual shared experience corresponding to a planned shared experience related to the theme of a book that the two readers construct, or one reader reading the pages of any book the other reader.

Accordingly, Applicant respectfully submits that independent claims 17, 31 and 42 are patentably distinguishable over *Johnson* in view of *Panec*, *Booth* and/or *Phillips*. In addition, dependent claims 18, 19, 23-26, 28, 30, 33-36 and 38-41, each of which depends from and

incorporates the limitations of independent claim 17 or 31, are likewise patentably distinguishable over the cited references.

In view of the foregoing remarks, Applicant believes that the patentability of the pending claims has been clearly established, and these claims are now in condition for allowance. Accordingly, Applicant respectfully requests withdrawal of all remaining rejections, and issuance of a *Notice of Allowance*.

CONCLUSION

Entry of the foregoing amendments, consideration of the accompanying remarks, reconsideration of the application, and withdrawal of the substantive rejections is respectfully requested by Applicant. No new matter is introduced by way of the amendments. It is believed that each ground of rejection raised in the *Office Action* dated February 11, 2008 has been fully addressed.


If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Dallas, Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to contact the undersigned at the telephone number given below.

Respectfully submitted,

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